

REMARKS/ARGUMENTS

Claims 1, 2, and 4-9 are pending in the application.

Applicant respectfully traverses the restriction requirement as inappropriate for the reasons set forth below. In addition, Applicant asserts that there would be no undue burden in examining these alleged two sets of claims, as the Examiner has defined. The fees for examination of these claims had been remitted in the filing of the national application. During amendment on May 14, 2009 in response to Office Action of February 17, 2009, Applicant had amended claims 1, 2, and 4-8, claim 3 had been cancelled and a new claim 9 had been added. Arguments on the merits of the claims were presented. The drawings had been amended and a replacement sheet had been submitted. In the Office Action the Examiner had reviewed all of the initially filed claims (1-9), *in toto*.

Based upon the actions of the Examiner until the instant Office Action, there was no indication of undue burden in the office or of a necessity to impose a restriction requirement. The Office has undertaken the required searches in its response thus far and the Applicant had responded appropriately.

The two groups of claims are directed to a vertical trench-gate transistor semiconductor device. Upon review of claims 1, 2, and 7 indicates, the common technical feature, *“each of said spaced regions extends from the channel-accommodating region on one side of a trench to meet the channel-accommodating region on the other side of the trench.”* Applicant believes the common technical feature of these claims obviate the alleged requirement of a separate additional search.

For additional guidance, Applicant has reviewed the “International Preliminary Report on Patentability (dated 22 August 2006) of Application No. PCT/IB2005/050595,” of published application WO 2005/081323) hereinafter, “IPRP,” that corresponds to this national application. The IPRP noted no issues with a “Lack of Unity of Invention (Box No. IV unchecked)” with respect to the pending claims (claims 1-8); the IPRP concurs with the “observance of this requirement is checked by the International Searching Authority and may be relevant to the national (or regional) phase. (MPEP §1850), Paragraph I.” The review made by WIPO regarding Applicant’s invention showed no need to parse out claims 1-8 and found no undue burden, on the part of WIPO, in performing a search on these claims. Thus,

one could reasonably conclude there would be no undue burden on the Examiner's part in examining the instant claims 1, 2, and 4-9, as a whole.

For convenience, a copy of this IPRP is enclosed, and follows the Remarks/Arguments.

Reconsideration and withdrawal of the restriction requirement is respectfully requested, along with continuing concurrent examination of claims 1, 2, and 4-9.

The Commissioner is hereby requested and authorized pursuant to 37 CFR §1.136(a)(3), to treat any concurrent or future reply in this application requiring a petition for extension of time for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. Please charge any additional fees which may now or in the future be required in this application, including extension of time fees, but excluding the issue fee unless explicitly requested to do so, and credit any overpayment, to Deposit Account No. 50-4019.

Respectfully submitted,

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